

August 11, 2008

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
AUGUST 11, 2008

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
FRANCIS BEDETTI, JR.
JAMES DITTBRENNER

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: PAT TORPEY

REGULAR_MEETING

MR. KANE: I'd like to call to order the August 11,
2008 meeting of the New Windsor Zoning Board of
Appeals.

PRELIMINARY_MEETINGS:

KIMBERLY_VOLPE_(08-25)

MR. KANE: First preliminary meeting is Kimberly Volpe request for 14 foot 8 inches for side yard setback for proposed side deck extension at 238 Parkway Drive in an R-4 zone.

MS. VOLPE: My name is Kimberly Volpe, I live at 238 Parkway Drive in New Windsor and my husband and I are working on my house and we're putting a wraparound porch on my home and the side yard doesn't meet the proper setbacks. So we're requesting a variance for a 14 foot 8 inch variance.

MR. KANE: Which side is it going to go on?

MS. VOLPE: It's on the right-hand side of the house.

MR. KANE: From the street?

MS. VOLPE: Yes, if you're looking at the street it's on the right so that would be the side, this has been taken down so this is no longer here, that's where the wraparound would come around this way and this is where we don't meet it.

MR. KANE: It's going to come out further than where this landing was?

MS. VOLPE: No, exactly where that old one was. It's going to come out 6 feet, it's going to wrap around.

MR. KANE: Is this a side door?

MS. VOLPE: Yes, it's already existing and when I bought the home just for the record there was a deck on the side there, a small little deck and the wood was rotting so I took it off and put that deck on it and

like I said we want to do renovations to put a nice wraparound porch that starts from the beginning, the front of the house that comes around the side.

MR. KANE: The only thing I'm curious about is that if you're coming out the same distance from what was already existing and if that was a legal thing, why are you here? You know what I'm saying, if she's coming out just this far and she already has a permit on it and they're not bringing it closer to the side property maybe making it longer or maybe--

MS. VOLPE: Setbacks could have changed but I don't think, there wasn't a permit for the deck.

MR. KANE: On the older deck, okay that was there.

MR. KRIEGER: That could well be, you have the walkway which is now going to be a deck that before she may not have needed a setback for that where she will now.

MR. KANE: Just curious. Cutting down any trees, substantial vegetation in the building of the deck?

MS. VOLPE: No.

MR. KANE: Creating any water hazards or runoffs?

MS. VOLPE: No.

MR. KANE: Will the deck be similar in size and nature to other decks that are in your particular neighborhood?

MS. VOLPE: Yes, sir, as a matter of fact there's one right next door to me, they have a deck in the front, a porch I should say a porch in the front.

MR. KANE: That would be good, Kim, if you could just snag a picture of that for the public hearing.

MS. VOLPE: For the neighbors, okay, sure.

MR. KRIEGER: Two doors down from where they have the flag there's a big deck.

MS. VOLPE: Right.

MR. KANE: And you're currently Kimberly Volpe but you were Kimberly Gann for the record?

MS. VOLPE: Yes.

MR. KRIEGER: One in the same person.

MS. VOLPE: That's correct, right, one in the same.

MR. KANE: Okay, any question? I'll accept a motion for a public hearing.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Kimberly Volpe for a requested 14 foot 8 inch side yard variance at 238 Parkway Drive in an R-4 zone.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MS. MASON: You get to read my letter.

MS. VOLPE: Thank you.

FRANCES_LEWIS_(08-26)

MR. KANE: Tonight's second preliminary hearing is Frances Lewis request for 8 foot side yard setback for existing garage at 4 Canterbury Lane in an R-3 zone.

Mrs. Frances Lewis appeared before the board for this proposal.

MRS. LEWIS: Good evening.

MR. KANE: Just speak you loud enough for the young lady to hear you.

MRS. LEWIS: My name is Frances Lewis and I live at 4 Canterbury Lane, New Windsor, New York 12553.

MR. KANE: And Frances just tell us what you want to do.

MRS. LEWIS: Yes, we're requesting an 8 foot side yard for our garage. There was an existing shed there when we bought the house originally so my husband built block around, just around the shed. We're a little close to our next door neighbor for 43 years but there's an empty lot next door to us and they cannot build on that and he's not objecting to, you know, where it is.

MR. KANE: How, first off, how long has it been up approximately?

MRS. LEWIS: Probably about 35 years.

MS. LOCEY: The garage?

MRS. LEWIS: Well, we bought it in 1966. When did you build, about four or five years afterwards?

MR. LEWIS: About '65.

MR. KANE: So you figure you built it about 1970?

MRS. LEWIS: Yes.

MR. KANE: During that period from then till now have you had any complaints formally or informally about the shed?

MRS. LEWIS: No complaints at all.

MR. KANE: Other homes have detached garages that are similar sizes?

MRS. LEWIS: Detached?

MR. KANE: Means not attached to the house.

MRS. LEWIS: No.

MS. LOCEY: Do you think this garage fits in the character of the neighborhood?

MRS. LEWIS: Yes, it does, yes. Do you have the pictures?

MR. KANE: Yes.

MRS. LEWIS: Yes, it does fit in very nicely, we have a long driveway and the garage and it just sits in the corner of our home.

MR. KANE: Even though there was a shed there before you built it in 1970, I will ask was there any cutting down of substantial vegetation or trees in the building of it to your knowledge?

MRS. LEWIS: No.

MR. KANE: Was there any creation of any water hazards

or runoffs?

MRS. LEWIS: No.

MR. KANE: Does the building itself go over any type of easements on your property?

MRS. LEWIS: No.

MR. KANE: Okay, any further questions? Then at this time then I'll accept a motion for a public hearing. What's going to happen is by law we need to, we have a preliminary hearing so we can get a general idea of what you want to do and we can give you a general idea if you're missing anything we might need. And by law everything has to be decided in a public hearing. Some towns just hold one meeting and if you go in and you're not prepared you lose. So that's why we did a two step process to make sure you have all the information necessary so we'll do the same thing at the public hearing. So I'll accept a motion.

MR. BEDETTI: I'll make a motion we schedule a public hearing for Frances Lewis' request for 8 foot side yard setback at 4 Canterbury Lane as requested.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

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PUBLIC_HEARINGS:

STEVEN_CATANIA_(08-19)

MR. KANE: Steven Catania request for 9.1 foot rear yard setback for existing shed at 19 Lannis Avenue. No Mr. Catania for right now, put that on hold.

RICHARD_SOLLAS_(08-23)

MR. KANE: Next public hearing is Richard Sollas request for 6 foot side yard and 3 foot rear yard setbacks for existing shed and request for 18 foot rear yard setback for existing rear deck, request for a 3 foot front yard setback for existing 6 foot front porch overhang at 405 Carlton Circle in an R-4 zone. You want to state your name and address?

MS. SOLLAS: Sandra Sollas, 405 Carlton Circle, New Windsor.

MR. KANE: And then Sandy, you want to tell us exactly what you want to do in your own words?

MS. SOLLAS: Well, I'd like to get, obtain the variance for 6 foot side yard and 3 foot rear yard setback for existing shed. I'm requesting an 18 foot rear yard setback for my existing deck and a 3 foot front yard setback for my front porch.

MS. LOCEY: I don't believe I have all the paperwork. Oh, yes, I do, pardon me.

MR. KANE: One at a time, the shed first. How long has the shed been in existence?

MS. SOLLAS: About 15 years.

MR. KANE: Any complaints formally or informally?

MS. SOLLAS: No, sir.

MR. KANE: Remove substantial vegetation, cut down any trees in the building of the shed?

MS. SOLLAS: No.

MR. KANE: Create any water hazards or runoffs?

MS. SOLLAS: No, in fact today was proof of that.

MR. KANE: Any easements running through where the shed is?

MS. SOLLAS: No.

MR. KANE: Shed similar in size and nature to other sheds that are in your neighborhood?

MS. SOLLAS: Yes.

MR. KANE: Any questions on the shed, guys?

MR. DITTBRENNER: No.

MR. KANE: Okay, we'll take it to the deck. Request for 18 foot rear yard setback for existing rear deck. How long has the deck been up?

MS. SOLLAS: Also about that, that's been up about 20 years.

MR. KANE: Any complaints formally or informally on the deck?

MS. SOLLAS: No, sir.

MR. KANE: Approximate size of the deck?

MS. SOLLAS: This is 15 x 20.

MR. KANE: Again, cut down any substantial vegetation or remove any trees?

MS. SOLLAS: No, as matter of fact, I planted more.

MR. KANE: Any water hazards or runoffs?

MS. SOLLAS: No.

MR. KANE: Any easements running through where the deck is?

MS. SOLLAS: No.

MR. KANE: And is the deck itself similar in size and nature to other decks that are in your neighborhood?

MS. SOLLAS: Yes.

MR. KANE: Request for 3 foot front yard setback for existing front porch overhang.

MS. SOLLAS: Basically, what I did with that was there was an overhang, there was an existing overhang, we closed it in and made it a screened in usable room.

MR. KANE: And that deck is 14 x 25, 25'6" if you want to be technical. The screened-in porch and that again has been on overhang how long has that been in existence?

MS. SOLLAS: About 15 years.

MR. KANE: Any complaints formally or informally?

MS. SOLLAS: No, I actually had requests to do the same thing.

MS. SOLLAS: And you feel that on the front of the house it doesn't change the character of your particular neighborhood?

MS. SOLLAS: No, I think it's, personally, I think it's very attractive.

MR. KANE: Any easements running through where it's built?

MS. SOLLAS: No.

MR. KANE: Cut down any trees, substantial vegetation in the building of it?

MS. SOLLAS: No.

MR. KANE: Creating any water hazards or runoffs?

MS. SOLLAS: No, we have gutters on it.

MR. KANE: That's all I have for right now. Any further questions?

MS. LOCEY: I don't think I have all of those pictures, well, I have pictures of the shed and, you know, the property line in relation to the shed, I don't see anything about the porch or and overhang, I mean, I have the applications but there are no photos attached to them.

MR. KANE: There's the overhang.

MS. LOCEY: So it's hard for me to tell what you're talking about.

MR. KANE: And if you would this is the deck also.

MS. LOCEY: Very good, thank you.

MR. KANE: At this particular point we'll open it up for the public and ask anybody in the audience if they are here for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting and ask Myra how many mailings we had?

MS. MASON: On July 28, I mailed out 74 addressed envelopes and had no response.

MR. KANE: Then we'll take it back to the board and ask if they have any further questions?

MS. LOCEY: No.

MR. DITTBRENNER: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Richard Sollas, the first for an existing 6 foot front overhang, an enclosed porch, the second for an existing deck and the third in relationship to a 12 x 20 foot shed all at 405 Carlton Circle.

MR. DITTBRENNER: Second the motion.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

APOLLO_CYPRESS_(08-17)

MR. KANE: Request for interpretation and/or use variance for existing single family home with two kitchens or two-family home at 2903 McKinley Court in an R-3 zone.

Mr. Apollo Cypress appeared before the board for this proposal.

MR. CYPRESS: Good evening, my name is Apollo Cypress residing at 2903 McKinley Court, New Windsor 12553. And I'm requesting a variance or petition of variance for my basement as what the inspector said that the sink that I put in a kitchen sink and I thought the one that I put it's a bar sink and there's no gas lines for the kitchens or no provisions for kitchen equipment.

MR. KANE: So what we have is a second kitchen in the home, your intent is to just use it as a bar, a wet bar basically?

MR. CYPRESS: Correct.

MR. KANE: Do you state you do not have a separate, you have no intention of putting a separate gas line or electric line coming in?

MR. CYPRESS: Yes.

MR. KANE: You have no intention of using it as an apartment, an area or a kitchen for an apartment?

MR. CYPRESS: No, in fact what I put there is my office and just sink and the restroom, a little restroom.

MR. KANE: So there's no intent there whatsoever to have an apartment down there or use that? Just want to get that on the record.

MR. CYPRESS: Yes.

MR. KANE: At this point, I will open it up to the public and seeing as there's nobody in the audience we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On July 28, I mailed out 45 addressed envelopes and had no response.

MR. KRIEGER: It is a single family house, it will always be a single family house and if you sell it you'll sell it as a single-family house, correct?

MR. CYPRESS: Correct, yeah.

MR. KANE: Any further questions from the board?

MS. LOCEY: Yes, this the disapproval notice, it talks about not complying with minimum lot area, lot width, front yard, side yard, rear yard.

MR. KANE: That would be if he decided if we didn't go for the interpretation and he wanted a consideration as two-family house, it's not zoned for it and he would have to do all those things as a two family. We're going for it, I'm assuming we're going for an interpretation that it's just a second kitchen and he has no intent of using it as an apartment type thing which we just put on the record. Okay?

MS. LOCEY: Yes.

MR. KANE: Any other questions? If not, I'll accept a motion.

MS. LOCEY: I'll offer a motion to grant the requested variance on the application of Apollo Cypress to interpret the second kitchen he has constructed in his basement to be just that for his own use and it does

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not constitute a two-family house.

MR. BEDETTI: I'll second it.

MS. LOCEY: All at 2903 McKinley Court.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

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STEVEN_CATANIA_(08-19)_-_CONTINUATION

MR. KANE: Steven Catania, no show.

FORMAL_DECISIONS:

NISI	GODFRY
FINNERAN	NW SENIOR PROJECT
VERDIGLIONE	IMPEL
FREDA	MC QUISTON/FROELICH
EDWARDS	HIGHTOWER
MEE	BORDEN

MR. KANE: We have formal decisions, a number of formal decisions to take if you want we can take them with one vote. If so, I'll accept that motion.

MR. DITTBRENNER: I would move that we approve formal decisions as listed in the agenda with one vote and one roll call.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

